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**IDENTIFICATION
OF HISTORIC PROPERTIES:
A Decisionmaking Guide for Managers**



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**Advisory Council on Historic Preservation
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Preface

Identification is a key part of any program of historic preservation. Without identification, historic properties cannot be thoughtfully preserved, rehabilitated, or considered in planning modern programs of development and land use.

Over the years, a number of publications have been issued dealing with the processes and results of identification. Notable among these are *Secretary of the Interior's Standards and Guidelines for Identification* and the more detailed *Guidelines for Local Surveys: A Basis for Preservation Planning* and *The Archeological Survey: Methods and Uses*, all published by the Department of the Interior.

Questions continue to arise, however, about how one decides to carry out a program of identification, and what approaches to use. This publication is designed to answer these questions, thus filling an important gap in the identification literature.

The Advisory Council on Historic Preservation and others first perceived a need for this publication during the process of revising the Council's regulations, "Protection of Historic Properties" [36 CFR Part 800], which implement Section 106 of the National Historic Preservation Act of 1966 (NHPA).

Once the regulatory revisions were complete, the Council turned its attention to developing this and other guideline documents needed to make the Section 106 review process work more smoothly. The National Park Service, recognizing that this guidance would have applications well beyond Section 106 review, participated actively in its development; the two agencies decided that its joint issuance would be appropriate.

This publication was developed under the supervision of a task force of Council members headed by Janice S. Golec, deputy assistant secretary for program development, Department of Housing and Urban Development (HUD). Members of the task force, in addition to the Department of the Interior and HUD, included the Honorable Michael Newbold Castle, governor of Delaware; Bruce Nestande, citizen member of the Council from Costa Mesa, California; Clifton Caldwell, historic preservation expert member of the Council from Richardson, Texas; and Avery C. Faulkner, FAIA, historic preservation expert member from Washington, DC. The primary author of this publication is Thomas F. King, Ph.D., director of the Council's Office of Cultural Resource Preservation. Major drafting assistance was provided by James Brennan, director, Environmental Management Division, Office of Environment and Energy, HUD, and Dale Lanzone, former special assistant to the director, National Park Service, Department of the Interior, and now director of arts and historic preservation, General Services Administration.

It is our hope that this publication will be widely used not only in helping Federal agencies and others carry out their identification responsibilities under Section 106, but also in conducting historic preservation programs at all levels of government and in the private sector.

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IDENTIFICATION OF HISTORIC PROPERTIES

IDENTIFICATION OF HISTORIC PROPERTIES: A Decisionmaking Guide for Managers

I. Introduction

The National Historic Preservation Act (NHPA), other Federal authorities, and a growing number of State and local laws, ordinances, and policies require or encourage the consideration of historic properties in the planning and implementation of land use and development projects. In order for such consideration to occur, historic properties **must be identified**, preferably at an early planning stage, and in an orderly manner.

What Section 106 requires of Federal agencies

Section 106 of NHPA requires that Federal agencies take into account the effects of their undertakings on historic properties. Procedures for complying with Section 106 are set forth in the Council's regulations, "Protection of Historic Properties" [36 CFR Part 800, 1986]. Figure 1 gives a brief overview of Section 106 review.

Section 106 and the Council's regulations have served as models for historic preservation and environmental legislation and regulations at the State and local levels. They have also been internalized by many Federal agencies as part of agency environmental review systems. Thus, in addition to their specific application to the review of Federal undertakings, the principles embodied in Section 106 are broadly applicable to the processes of historic preservation planning in general.

Identification of historic properties

Identifying historic properties is a fundamental step in determining what properties may be affected by an undertaking, and is an essential step in taking into account the specific effects the undertaking may have. The Council's regulations require any Federal agency considering an undertaking to "make a reasonable and good faith effort to identify historic properties that may be affected by the undertaking and gather sufficient information to evaluate the eligibility of these properties for the National Register [of Historic Places]" [36 CFR § 800.4(b)].

This publication is designed to assist managers in identifying historic properties. It is based on the experience of the Advisory Council on Historic Preservation and the Department of the Interior in considering historic properties under Section 106 of NHPA and related Federal authorities.

The Council and the Department of the Interior recognize that undertakings and their potential effects on historic properties vary greatly, as do the techniques, processes, and levels of effort appropriate for acquiring information about such properties. For this reason, the Council's regulations, at § 800.3(b), call for "flexible application" of Section 106 review and the concepts in this publication should be applied flexibly as well. This publication sets out basic principles and approaches that should be considered when designing an effort to identify his-

Figure 1: A brief look at Section 106 review

How does Section 106 review work? The standard review process is spelled out in Federal regulations issued by the Advisory Council on Historic Preservation. Entitled "Protection of Historic Properties," the regulations appear in the U.S. Code of Federal Regulations at 36 CFR Part 800. The process involves five basic steps, as follow.

Step 1: Identify and evaluate historic properties

The Federal agency responsible for an undertaking begins by identifying the historic properties the undertaking may affect. To do this, the agency first reviews background information and consults with the State Historic Preservation Officer (SHPO) and others who may know about historic properties in the area. Based on this review the agency determines what additional surveys or other field studies may be needed, and conducts such studies.

If properties, that is, districts, sites, buildings, structures, or objects, are found that may be eligible for inclusion in the National Register of Historic Places, but have not yet been included in the Register, the agency evaluates them against criteria published by the National Park Service, which maintains the Register. This evaluation is carried out in consultation with the SHPO, and if questions arise about the eligibility of a given property, the agency may seek a formal determination of eligibility from the Secretary of the Interior. If a property has already been included in the National Register, of course, further evaluation is not ordinarily necessary. Section 106 review gives equal treatment to properties that have already been included in the Register and those that are eligible for inclusion.

Step 2: Assess effects

If historic properties, that is, properties included in or eligible for inclusion in the National Register, are found, the agency then assesses what effect its undertaking will have on them. Again the agency

works with the SHPO, and considers the views of others. The agency makes its assessment based on criteria found in the Council's regulations, and can make one of three determinations:

- o No effect: the undertaking will not affect historic properties;
- o No adverse effect: the undertaking will affect one or more historic properties, but the effect will not be harmful;
- o Adverse effect: the undertaking will harm one or more historic properties.

Step 3: Consultation

If an adverse effect will occur, the agency consults with the SHPO and others in an effort to find ways to make the undertaking less harmful. Others who are consulted, under various circumstances, may include local governments, Indian tribes, property owners, other members of the public, and the Council. Consultation is designed to result in a Memorandum of Agreement (MOA), which outlines measures agreed upon that the agency will take to reduce, avoid, or mitigate the adverse effect. In some cases the consulting parties may agree that no such measures are available, but that the adverse effects must be accepted in the public interest.

If consultation proves unproductive, the agency or the SHPO, or the Council itself, may terminate consultation. The agency must submit appropriate documentation to the Council and request the Council's written comments.

Step 4: Council comment

The Council may comment during step 3 of the process, by participating in consultation and signing the resulting MOA. Otherwise, the agency obtains Council comment by submitting the MOA to the Council for review and acceptance. The Council can accept the MOA, request changes, or opt to issue written comments. If consultation was terminated, the Council issues its written comments

directly to the agency head, as the agency had requested.

Step 5: Proceed

If an MOA is executed, the agency proceeds with its undertaking under the terms of the MOA. In the absence of an MOA, the agency head must take into account the Council's written comments in deciding whether and how to proceed.

Alternative approaches

The Section 106 regulations also spell out three alternative means of complying with Section 106. These are

- o Programmatic Agreements among an agency, the Council, one or more SHPOs, and others;
- o Counterpart regulations developed by an agency and approved by the Council;
- o An agreement between the Council and a State, which substitutes a State review system for the standard Section 106 review process.

toric properties, and discusses how to apply these principles and approaches under varying circumstances.

Other guidance materials

This guidance refers repeatedly to the *Secretary of the Interior's Standards and Guidelines for Identification*, which is the Federal Government's basic technical standards and guidelines for the identification of historic properties. First published as part of *Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines*, *Standards and Guidelines for Identification* should be used to supplement this publication where specific technical guidance is needed. Bibliography information about these materials is provided in Appendix A.

II. Identification principles

Managers should observe the following basic principles when determining what kind of identification effort is appropriate for a specific land-use or development action, and when establishing agency procedures to govern the review of undertakings. Figure 2 lists these basic principles.

Figure 2: Identification principles

Identification efforts should

- A. Be consistent with national historic preservation policy.
- B. Be reasonable with reference to the nature of the undertaking and its likely effects.
- C. Provide for consulting authorities and for resolving disputes over methods and approaches.
- D. Make use of and build on existing information and on methods agreed upon or used during previous such efforts.
- E. Be multidisciplinary.

For further discussion of these principles, see part II of this report.

A. Identification efforts should be consistent with national historic preservation policy.

Discussion: Section 110(d) of NHPA requires that Federal agencies, to the extent "consistent with the agency's mission and mandates," conduct "agency programs and projects (including those under which any Federal assistance is provided or any Federal license, permit, or other approval is required) in accordance with the purposes of this Act, and give consideration to programs and projects which will further the purposes of this Act."

It follows that an agency's identification efforts, among its other programs, should be made consistent with the act's purposes, and made to advance the act's purposes, to the extent feasible given the agency's mission and mandates.

Recommended measures: An agency should

Coordinating identification efforts with SHPOs, State historic preservation plans, and other agencies

1. Carry out identification efforts in a manner that assists the State Historic Preservation Officer (SHPO) in fulfilling his/her responsibility under § 101(b)(3)(A) of NHPA to "direct and conduct a comprehensive statewide survey of historic properties and maintain inventories of such properties," by

a. using identification methods recommended by the SHPO, provided such methods are consistent with these guidelines and the *Standards and Guidelines for Identification*;

b. consulting with the SHPO in designing an identification effort, and in evaluating its results;

c. when appropriate, conducting identification efforts through the SHPO, or using specialists who meet standards acceptable to the SHPO;

d. recording identification results, including properties recorded, on forms appropriate for incorporation into the State inventory;

e. providing SHPOs with identification results.

2. Identify historic properties and evaluate their significance with reference, where applicable, to the State historic preservation plan developed by the SHPO pursuant to Section 101(b)(3)(C) of NHPA.

3. Coordinate identification efforts with those of other agencies, and use identification methods compatible with those of other agencies, provided such methods are consistent with these guidelines and the *Standards and Guidelines for Identification*, in order to help advance the policy of intergovernmental cooperation in historic preservation set forth in Section 2 of NHPA.

Section 110(a)(2) of NHPA

4. Where federally owned lands or structures are involved, conduct identification efforts in a manner consistent with the requirements of Section 110(a)(2) of NHPA and the Department of the Interior's *Guidelines for Federal Agency Responsibilities, under Section 110 of the National Historic Preservation Act*.

5. Carry out identification efforts in cooperation with members of the public interested in the preservation of historic properties, pursuant to Sections 1(b)(7)

and 2(5) of NHPA and as suggested in the Council publication *Public Participation in Section 106 Review: A Guide for Agency Officials*.

B. Identification efforts should be reasonable with reference to the nature of the undertaking and its likely effects.

Discussion: 36 CFR § 800.4(b) requires "a reasonable and good faith effort" on the part of Federal agencies to identify properties on or eligible for inclusion in the National Register. An essential attribute of reasonableness is that the identification effort be responsive to the kind of undertaking involved and the kinds of effects the undertaking is likely to create.

Similarly, 36 CFR § 800.3(b) calls for "flexible application" of Section 106 review. This means that identification efforts, like other aspects of the review process, should be appropriate to the type of undertaking and its potential to affect historic properties, and to the kinds of effects anticipated.

Recommended measures:

1. The scope and nature of an agency's identification effort should reflect

- a. the likelihood that historic properties exist within areas subject to effect, and the probable nature and significance of such properties;
- b. the likelihood that such properties retain their historic, cultural, and/or architectural integrity, given what is known about historic and recent modification of land or structures in the area;
- c. the nature and severity of effects reasonably expectable as a result of the type of undertaking involved, including both effects that will occur as the immediate result of the undertaking, or near the site of the undertaking, and those that may occur at a later time or greater distance, provided the latter are reasonably foreseeable;
- d. the nature of Federal involvement in or control over the undertaking.

2. Agencies should develop identification strategies for the kinds of undertakings in which they chiefly engage and, where possible, for the geographic areas in which they carry them out. The strategies should define those kinds of undertakings that may require no identification work because of their limited potential to affect historic properties. The strategies should also establish identification measures appropriate to the different kinds of undertakings for which such measures may be needed. For example, if a given kind of undertaking affects buildings but never results in ground disturbance, identification of historic buildings and structures may be needed when planning such an undertaking, but identification of archeological sites may not.

When an agency plans to develop such identification strategies, it should do so in cooperation with the SHPO and other authorities it deems appropriate, particularly in cases where the strategy will be designed for areas or subregions within a particular State. Understanding and acceptance of identification

The scope and nature of an identification effort

Developing identification strategies for an agency's typical activities

strategies by the agency and the SHPO in advance should help later, when specific undertakings move through the Section 106 review process.

C. An agency's program for identification should provide for consulting authorities and for resolving disputes over methods and approaches.

Discussion: The regulations require consultation with the State Historic Preservation Officer at the beginning of an identification effort [36 CFR § 800.4(a)(1)(ii)] and as the effort progresses [36 CFR § 800.4(b) and (c)]. They also require that agencies seek information from others "likely to have knowledge of or concerns with historic properties in the area."

These requirements are meant to ensure that each identification effort fully uses the results of previous identification work, is as comprehensive as needed, and is developed and carried out with the advice and assistance of knowledgeable persons. Considering the multifaceted and often hard-to-interpret nature of historic properties, it should be no surprise that disagreements may arise between such knowledgeable people, or between them and the agency, about how an identification effort should be structured. Agencies should anticipate the possibility of such disagreements, and be prepared to resolve them in ways that ensure effective and reasonable identification.

Recommended measures:

Contacting individuals likely to have knowledge or concerns about historic properties

1. Agencies that carry out continuing identification efforts or repeated undertakings in a particular region, community, or neighborhood should establish contact with people likely to have knowledge of or concerns about historic properties, so that they can be consulted efficiently during particular identification projects. (For more information, see the Council's publication *Public Participation in Section 106 Review: A Guide for Agency Managers*.) Such systems of interaction with knowledgeable parties can be embodied in a Programmatic Agreement with the Council established pursuant to 36 CFR § 800.13, but such an agreement is not necessary for this purpose.

Resolving disagreements about how identification should be done

2. Agencies should establish working relationships with SHPOs to foster cooperation during identification and evaluation of historic properties. Early contact with the SHPO enables the agency to review baseline data sources such as the State historic properties inventory and comprehensive historic preservation plan or recognized local plans, and to review and consider SHPO recommendations about identification methods and priorities.

3. Where disputes arise about how identification should be done, the disputing parties should consult to resolve the disagreements.

4. Where consultation does not resolve a disagreement, the advisory opinion of the Council or of the Keeper of the National Register on behalf of the Secretary of the Interior can be sought as a basis for making a final decision as to appropriate identification methodology.

D. An identification effort should make use of and build on existing information and on methods agreed upon or used during previous such efforts.

Discussion: Managers should take care to avoid conducting redundant or otherwise unnecessary identification efforts. This requires that already-available information be used to plan identification efforts, and to establish the level and kinds of efforts needed. Such information may include general data on the area's history and prehistory, information on its historical and contemporary environment and patterns of land or building use, and the results of previous identification efforts. On the basis of such information it should be possible to decide whether field survey or other primary research is needed, and if so, to design the work needed in the most efficient manner.

It is also appropriate for agencies with continuing or recurrent identification needs in a given area to work with the SHPO, perhaps local preservation commissions, and other knowledgeable parties to establish standard methods and procedures which can then be applied in individual identification efforts as needed.

Recommended measures:

1. Agencies that carry out continuing identification efforts or repeated undertakings in a particular region, community, or neighborhood should consult with the SHPO(s) and local preservation commissions to establish standardized approaches to identification, and to develop systems to ensure that appropriate background information and the results of previous identification efforts can be readily consulted when planning new projects.
2. An early step in each identification effort should be to review relevant background information and, based on this information, to establish what level and kind of identification effort is appropriate.

E. An identification effort should be multidisciplinary.

Discussion: A great variety of historic property types may be eligible for inclusion in the National Register. Examples include historic homes, commercial areas, residential neighborhoods, industrial complexes, archeological sites of both historic and prehistoric age, ships, railroad facilities including engines and tracks, airplanes, prehistoric rock art, parks and other designed landscapes, farms and other rural landscapes, and places of traditional religious-cultural importance to American Indian and other ethnic groups. As a result, an identification effort should draw on the services of professionals and other specialists trained in the recognition and evaluation of the historic property types that are likely to occur in the area of potential effects.

Recommended measures:

1. Agencies should establish sufficient internal staff capacity at headquarters and field office levels to oversee the identification and evaluation of historic

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properties, even if most actual identification efforts are carried out by others under contract.

Using a variety of professionals and specialists in identification effort

2. Both agency staff composition and the composition of teams responsible for individual identification efforts should reflect the range of historic property types with which the agency is likely to need to deal. For example, land-managing agencies most frequently deal with archeological sites, and thus can justify having historic preservation staffs in which archeologists are numerically predominant. Those that sometimes need to address American Indian cultural properties, however, should have reasonable access to cultural anthropologists; those that deal with rural landscapes should have access to folklorists, anthropologists, and landscape architects; and those that sometimes encounter historic cabins, mining structures or railroads should have access to historians, architectural historians, and industrial historians.

3. Where a team approach is warranted, the appropriate composition of the team responsible for a given identification effort should be established in consultation with the SHPO [36 CFR § 800.4(a)(1)(ii)].

III. Designing an identification effort: a decisionmaking guide

The following outline recommends steps for deciding on the scope and nature of an identification effort. Applied to a proposed Federal, federally assisted, or federally licensed undertaking, this outline should produce a reasonable decision about the kind of identification effort needed. As noted in the introduction to these guidelines, although the following steps refer primarily to the Council's regulations, and hence to Section 106 review, they are also logically applicable to historic property identification efforts required by other authorities.

A. Standard decisionmaking process for identification

Determining that a project or program is an undertaking

Managers should understand that the historic property identification process follows an agency's determination that a given program or project proposal constitutes an undertaking within the Council's definition of the term [36 CFR § 800.2(o)]. The determination that an action is an undertaking does not require the knowledge that historic properties are present. An agency determines that a given proposal is an undertaking based solely on that proposal's inherent ability to affect historic properties. An agency action that involves the demolition of buildings, for example, is always an undertaking because it has the potential to demolish historic buildings. Similarly, an agency action that involves land disturbance is always an undertaking because it has the potential to disturb land containing archeological sites or other historic properties. Actions with less obvious destructive potential may or may not be undertakings, depending on the actions' nature, not on the presence or absence of historic properties.

In some cases, once an agency has decided that an action is an undertaking and has defined its area of potential effects, the agency will find that the area contains

no historic properties. In other cases, the agency will find that--although historic properties are present--the undertaking will have no effect on them. These eventualities do not mean that the action no longer is an undertaking; they simply indicate that Section 106 review will be completed at an earlier stage than would have been the case had historic properties subject to effect been found.

The following standard process is applicable to most kinds of Federal agency undertakings reviewed under Section 106, and Figure 3 gives a brief summary of this process. A special process for large undertakings will be outlined later.

Figure 3: Standard decisionmaking process for identification

1. Establish area(s) of potential effects.
2. Determine whether the area has been surveyed or otherwise inspected to identify historic properties.
3. Determine whether the area is "large" or "small".
4. Determine whether the available information provides a reliable basis for decision-making.
5. Determine whether the area should be subjected to intensive survey, and whether such a survey can be carried out within a reasonable period of time and at reasonable cost.
6. Determine whether an alternative to intensive survey is appropriate.
7. Decide how to proceed with the Section 106 review.

For further discussion of this standard decisionmaking process, see part III.A. of this report.

1. Establish areas(s) of potential effect.

The area of a particular undertaking's potential effect on historic properties is "the geographic area or areas within which an undertaking may cause changes in the character or use of historic properties, if any such properties exist" [36 CFR § 800.2(c)]. It is within the area(s) of potential effect of a particular undertaking that an agency is responsible for identifying historic properties under Section 106 [36 CFR § 800.4(a)(1)].

At this stage in decisionmaking, it is appropriate to define the area of potential effect broadly, considering all reasonably foreseeable potential effects the particular type of undertaking could have. Narrowing the area that is subject to specific investigation will occur subsequently.

Definition of an "effect"

An effect is defined for purposes of Section 106 as an alteration in the characteristics of a property "that may qualify the property for inclusion in the National

Register" [36 CFR § 800. 9(a)]. The regulatory definition goes on to note that alteration to features of a property's location, setting, or use may be relevant, depending on the nature of the property's significance. For example, altering the setting of an archeological site important only for the information it contains may not affect the site's significant characteristics (that is, its information), but altering the setting of a historic building whose significance lies in the relationship of its architectural elements to those of other buildings in the vicinity may have a major effect on the building.

While the area of potential effect should be defined broadly, it should nevertheless be linked logically to the potential effects of the undertaking. For example, as noted under principle B ("Identification efforts should be reasonable. . .") in part II above, if an undertaking will affect only existing buildings and structures, and has no potential for ground disturbance, it is unlikely to have effects on subsurface archeological sites. As a result, such archeological sites might be considered to fall outside the area of potential effect.

When the area of potential effects is defined

It is important to remember that the area of potential effects is defined **before** the identification effort itself begins, so it may not be known whether any historic properties actually exist there. This is why the regulations call for defining the area of potential effects with reference to changes that may occur in the character or use of historic properties "if any such properties exist." In other words, if an undertaking could result in changes that would affect historic properties that may subsequently be found to exist, then the land within which such changes will occur should be included in the undertaking's area of potential effect. Where alternative locations for an undertaking are considered, each such location--for example, each alternative site for a reservoir, or each alternative alignment for a highway--should be included in the area of potential effect.

2. Determine whether the area has been surveyed or otherwise inspected to identify historic properties.

This determination requires a review of background information on the area [36 CFR § 800. 4(a)(1)(i)], and should be made in consultation with the SHPO [36 CFR § 800. 4(a)(1)(ii)]. Other knowledgeable parties should also be consulted as needed [36 CFR § 800. 4(a)(1)(iii)]. At this stage the concern is only whether the area has been inspected; the quality and nature of the inspection will be considered subsequently, depending on the scale of the undertaking.

If the area has been inspected, the next step is to consider the adequacy of the information resulting from the inspection, so the agency should skip to item III.A.4 ("Determine whether available information provides a reliable basis for decision-making"), below.

If the area has not been inspected, or if the results of the inspection do not provide a reliable basis for decisionmaking, then further identification work may be needed. The most efficient approach to further identification work will depend on the size of the area under consideration, so the agency should proceed to item

III.A.3 ("Determine whether the undertaking is 'large' or 'small'"), immediately below.

3. Determine whether the area is "large" or "small".

How the agency defines the terms large and small can vary depending on the region of the country involved, whether the area is rural or urban, the nature of the local environment, and the nature of land use, among other factors. The distinction is an important one, however, because the kinds of identification methods that are appropriate for use in a small area may be distinctly different from those appropriate for use in a large area. It is recommended that agencies consult with SHPOs to establish general agreement about how to distinguish between large and small areas of potential effect.

If the area is small, however the agency has decided to define this term, the agency should proceed to item III.A.4., immediately below, to determine what if anything needs to be done to identify historic properties. If the area is large, the agency should follow the steps outlined in part III.B. of this publication ("Special decisionmaking process for identification in large areas").

4. Determine whether the available information provides a reliable basis for decisionmaking.

Available information may be adequate for decisionmaking even where an area or subarea has not been fully inspected to identify historic properties, depending on the nature and quality of the information, the kinds of properties involved, and the kinds of effects anticipated. For example, where high-quality surveys have been done of portions of a large area, and where extensive background information is available, it may be possible to generate an accurate "predictive model" projecting the distribution and nature of historic properties.

Conversely, available information may be inadequate for decisionmaking even where an area or subarea has been fully inspected. If the inspection was carried out a number of years ago, "[t]he passage of time or changing perceptions of significance may justify reevaluation of properties that were previously determined to be eligible or ineligible [for the National Register]" [36 CFR § 800.4(c)(1)]. If the inspection was carried out using obsolete methods, by less than fully qualified persons, or addressing only certain kinds of properties (e.g., only archeological sites, or only standing structures), its results may provide an inadequate basis for decisionmaking.

The reliability of previous inspection results also varies with the intensity of the inspection. For example, as discussed in the *Standards and Guidelines for Identification*, an intensive survey should result in a detailed and comprehensive description of historic properties in an area, but a reconnaissance survey almost certainly will not. Similarly, reliability varies with the extent to which the field inspection made effective use of background data. For example, an inspection of the surface of the ground may be an inadequate basis for decisionmaking about

the presence or absence of archeological sites where background data suggests that soil buildup may have buried such sites.

The adequacy of available information should be assessed in consultation with the SHPO [36 CFR § 800.4(a)(1)(ii)].

If the available information does provide a reliable basis for decisionmaking, then the agency is in a position to decide how to proceed with Section 106 review, as discussed under item III.A.7. below.

If the available information is not adequate as a basis for decisionmaking, then field survey should be considered, as discussed under item III.A.5. ("Determine whether the area should be subjected to intensive survey....").

5. Determine whether the area should be subjected to intensive survey, and whether such a survey can be carried out within a reasonable period of time and at reasonable cost.

Definition of "intensive survey"

An intensive survey is defined in the *Standards and Guidelines for Identification* as a survey that "describes the distribution of properties in an area, determines the number, location, and condition of properties, determines the types of properties actually present within the area, permits classification of individual properties, and records the physical extent of specific properties." It usually involves on-the-ground inspection of all land and structures in the area, coupled with appropriate background archival research. It often includes interviews with residents and people knowledgeable about the area's historic resources. Sometimes test excavations for archeological resources or detailed inspections of particular structures are conducted. An intensive survey also includes analysis of results, and preparation of appropriate reports. Guidelines for intensive survey can be found in the *Standards and Guidelines for Identification*.

Variables to consider in deciding whether to undertake an intensive survey include the size and complexity of the land area involved, whether the area is urban or rural, the types of properties expected, the ease or difficulty with which such property types can be identified, the extent of Federal control over the lands involved, the ease or difficulty with which access can be obtained, and the nature of projected effects. The kind of survey needed, and variables involved in carrying it out, should be discussed with the SHPO [36 CFR § 800.4(a)(1)(ii)].

If circumstances suggest that an intensive survey is needed, and that the area can be subjected to intensive survey within a reasonable period of time and at reasonable cost, the agency should design and implement such a survey in consultation with the SHPO. The survey should be consistent with the *Standards and Guidelines for Identification*, as suggested by 36 CFR § 800.4(b). The Department of the Interior's *Guidelines for Federal Agency Responsibilities, under Section 110 of the National Historic Preservation Act* should also be used as guidance where applicable.

Based on the results of the survey, the agency will be in a position to decide how to proceed with Section 106 review (item III.A.7., below).

If the area cannot be subjected to intensive survey within a reasonable period of time and at reasonable cost, alternative identification methods should be considered, as discussed immediately below.

6. Determine whether an alternative to intensive survey is appropriate.

Alternatives to intensive survey may be appropriate under a number of conditions. For example:

"Reconnaissance survey"

- If it is questionable whether any historic properties exist in an area, a reconnaissance survey may be appropriate. A reconnaissance survey is defined by the *Standards and Guidelines for Identification* as one that provides a basis for "the formulation of estimates of the necessity, type and cost of further identification work and the setting of priorities for the individual tasks involved." It may involve a variety of activities, such as a drive-through to look for standing historic structures, interviews with local residents, and archeological inspection of sample tracts, coupled with appropriate background research. In some cases a reconnaissance survey may show that historic properties are so unlikely to occur that there is no need for more intensive survey. In other cases reconnaissance survey may permit further survey work to be focused only on particular subareas or types of properties.

Projections based on surveys

- If access to all lands involved cannot be obtained, it may be possible to make projections based on survey of those lands to which access can be gained.

Use of a "predictive model"

- If the area of potential effects is poorly defined, as may occur when Section 106 review is initiated early in planning an undertaking with numerous alternatives, or when an undertaking's total range of effects are not entirely foreseeable at the time review begins, it may be appropriate to develop a "predictive model." (See part III.B.1., "Use available information to develop a 'predictive model'") Such a model uses background information about the surrounding region as a basis for predicting the kinds of properties that may exist within the area of potential effects. If such a model reliably indicates that the properties subject to effect are likely to represent property types whose treatment will not generate controversy or raise complicated issues, it may be possible to continue Section 106 review on the basis of predictive model data without the need for firm and unequivocal identification of specific historic properties subject to effect.

When considering possible alternatives, the SHPO should be consulted [36 CFR § 800.4(b)].

If an alternative is selected, the agency should carry it out and decide how to proceed with Section 106 review as discussed immediately below. In the unlikely event that intensive survey cannot be done and no alternative can be found, it may not be possible for the agency to comply with Section 106. The agency should immediately contact the Council to discuss further options.

IDENTIFICATION OF HISTORIC PROPERTIES

7. Decide how to proceed with Section 106 review.

Generally speaking, review of available information, the results of a survey, or the results of an alternative form of identification will result in one or more of the following determinations:

When historic properties exist that are listed on the National Register

a. Properties exist in the area that are already listed in, or have been determined eligible for, the National Register. If so, the agency should determine effects pursuant to 36 CFR § 800.5 with respect to such properties and also consider whether paragraph b., below, is pertinent.

When historic properties exist that may meet National Register criteria

b. Properties exist in the area that may meet the National Register criteria. If so, the agency should consider the eligibility of such properties pursuant to 36 CFR § 800.4 (c) and also consider whether paragraph c., below, pertains to the area.

When property types are predicted that may meet National Register criteria

c. Property types are known or predicted to occur in the area that may meet the National Register criteria, based on reconnaissance survey data, predictive modeling, or other information. If so, it may be appropriate to execute a Programmatic Agreement pursuant to 36 CFR § 800.13 to address effects on such property types. If the undertaking will affect both known specific historic properties and predicted property types (for example, if it will result both in the demolition of a particular historic building and in altered traffic patterns or patterns of land use that may affect other historic properties that have not yet been identified), "programmatic" stipulations sometimes can be included in a Memorandum of Agreement executed pursuant to 36 CFR § 800.5(e)(4). Finally, the agency should consider whether paragraph d., below, is applicable.

When historic properties may be undetected

d. The possibility exists that properties of historical significance have gone undetected, and thus could be subject to discovery during implementation of the undertaking. If so, the agency should consider developing a plan for the properties' treatment pursuant to 36 CFR § 800.11(a).

B. Special decisionmaking process for identification in large areas

If an area of potential effects has not been inspected in the past, and if it is defined by the agency in consultation with the SHPO as large (see item III.A.3, "Determining whether the area is 'large' or 'small'", above), then the following decisionmaking process is recommended. This process is summarized in Figure 4.

Figure 4: Special decisionmaking process for identification in large areas

1. Use available information to develop a "predictive model" indicating where historic properties exist or are likely to exist.
2. Test the predictive model.
3. Establish additional survey needs and approaches, if any, and consider a Programmatic Agreement.

For further discussion of this special decisionmaking process, see part III.B. of this report.

1. Use available information to develop a "predictive model" indicating where historic properties exist or are likely to exist.

Where a large area is involved, some portions of it may have been inspected to identify historic properties. Even if no organized identification effort has been made, some historic properties may be known, and may even have been nominated to and included in the National Register based on property-specific studies. Other properties may be recorded in State or local inventories, in publications and in manuscripts, while others may be known to experienced people in the area. Other sources of information are historical documents, archeological reports, ethnographic and sociological reports, geographic and geomorphological data, and general anthropological and sociological premises about human behavior, settlement systems, and economic patterns under different environmental conditions. All these sources can be used to predict the presence or absence of historic properties.

For a full discussion of such sources see the *Guidelines for Federal Agency Responsibilities, under Section 110 of the National Historic Preservation Act* and the *Standards and Guidelines for Identification*. Available information should be reviewed in consultation with the SHPO [36 CFR § 800.4(a)(1)(i-iii)], resulting in a statement of expectations about the kinds of historic properties known or anticipated to exist, and their locations. Such a statement, including documentation about the sources from which it derived and the sources' likely reliability, is usually referred to as a "predictive model" because it predicts how historic properties of various kinds should be distributed within the area.

2. Test the predictive model.

A predictive model should not be regarded as reliable until it has been tested against objective information derived from fieldwork. In some cases, enough field survey work may already have been done within or near the area of potential effects to permit the model to be tested, but in most cases some kind of further survey will be needed. Generally a reconnaissance survey is used to test a predictive model; often the reconnaissance survey involves inspection of a controlled sample of the area, including both locations that are predicted to contain historic properties and locations that are predicted **not** to contain them.

3. Establish additional survey needs and approaches, if any, and consider a Programmatic Agreement.

Once a predictive model is shown through testing to be reasonably reliable, it can be used to guide further survey work and make it more efficient than it would otherwise be. In some cases a reliable predictive model may be an acceptable basis for determining that no further survey work is needed.

Assuming that further work is necessary to identify historic properties subject to effect, the predictive model can be used to concentrate survey efforts on those locations most likely to contain such properties, and to design survey strategies specific to the kinds of properties that can be expected. For example, if the model predicts that buried archeological sites will occur in association with particular landforms, survey work around such landforms can be designed to include test excavation. If the model indicates that buildings representing a particular period may be found in a neighborhood, an architectural historian specializing in the architecture of the period can be added to the survey team. If the model suggests that a portion of the area is used by an American Indian group for traditional cultural purposes, ethnographic studies might be added to the survey program.

Considering an undertaking's effects in determining need for further survey work

The nature of the undertaking's effects on the area should also be considered in designing further survey work. It is possible that the undertaking will have **direct effects only**. In other words, that the undertaking itself will disturb land, and/or demolish or modify buildings, throughout the area of potential effect. On the other hand, an undertaking may have **indirect effects only**. That is, it may not disturb land and/or demolish or modify buildings anywhere within the area of potential effect but may lead to subsequent, reasonably foreseeable, actions that will do so. Most large undertakings, however, can be expected to have mixed effects. That is, they will disturb some land and/or demolish or modify some buildings in some subareas of the area of potential effect ("subareas directly affected"), and make possible subsequent, reasonably foreseeable actions that will do so in other subareas ("subareas indirectly affected").

It may be appropriate to emphasize the survey of subareas directly affected, but areas indirectly affected should not be ignored. Even if only minor survey work is possible in areas indirectly affected, it may still be possible to project the effects of the undertaking on the kinds of historic properties that are predicted to occur there, and develop measures to control such effects through Section 106 review.

For example, if an undertaking will induce urban growth in an area, it may be possible to work with local planning authorities to encourage the conduct of surveys and the protection of historic properties in advance of future construction in locations where the predictive model indicates that historic properties are likely to be found.

Considering a Programmatic Agreement

If the predictive model appears to be reasonably reliable, and if the likely effects of the undertaking can be reasonably well predicted, it may be most efficient for the agency to comply with Section 106 by executing a Programmatic Agreement, following the procedures set forth in 36 CFR § 800.13. Such an agreement can spell out what further survey work will be done (if any) and what steps will be taken to avoid, reduce, or mitigate predicted effects.

If a Programmatic Agreement is not appropriate, the results of a large area identification effort as discussed above can be used as the basis for making informed decisions about how to carry out Section 106 review with respect to individual, localized actions. (See part III.A.7., "Decide how to proceed with Section 106 review.")

The agency should consult the Council and the SHPO when determining which approach to pursue, so as to ensure that Section 106 review is carried out in accordance with a schedule that is consistent with the planning and approval schedule for the undertaking [36 CFR § 800.3(c)] and to ensure that the Council's opportunity to comment on the undertaking is not foreclosed [36 CFR § 800.6(d)].

IV. Reporting and preserving identification results

Proper reporting of identification effort

Whatever kind of identification effort is carried out, it should be properly reported. A report of an identification effort should describe the area studied, the methods employed, any problems encountered, and the results of the study. It should present relevant background data and field observations. The report's preparers and their titles, positions, or other qualifications should be identified. To the extent feasible, the report should be designed to provide information in a form that will be usable by others who may rely upon it in designing future studies, and that will facilitate integration into the historic property inventories maintained by the SHPO and, in some cases, by other Federal agencies, local governments, or Indian tribes.

V. Conclusion

Use of the principles and decisionmaking guides offered above, together with the *Standards and Guidelines for Identification*, *Guidelines for Federal Agency Responsibilities*, under Section 110 of the *National Historic Preservation Act*, and other pertinent guidance, should ensure that an agency's program of identification meets the standard of being "a reasonable and good faith effort to identify historic properties that may be affected by the undertaking" [36 CFR § 800.4(b)].

Appendix A: Further guidance

Brace, P. and Klein, J. *Archeological Resources and Urban Development: A Guide to Assess Impact*. Washington, DC: American Society of Landscape Architects, 1984.

Available from the ASLA bookstore as LATIS No. 7 at \$15.00 a copy. To order, write LA bookstore, P.O. Box 6525, Ithaca, NY 14851, or call (607) 277-2211 for credit card orders.

Derry, A.; Jandl, H. W.; Shull, Carol D.; and Thorman, J. *Guidelines for Local Surveys: A Basis for Preservation Planning*. Revised by Patricia L. Parker. Washington, DC: National Park Service, U. S. Department of the Interior, 1985.

Available from the American Association for State and Local History (AASLH) as a technical report (TR13) for \$5.55 per copy. To order write AASLH/ Order/Billing Dept./ 172 2nd Avenue North/ Suite 102/ Nashville, TN 37201. (\$2.00 postage charge; minimum order is \$10.00)

Guidelines for Federal Agency Responsibilities, under Section 110 of the National Historic Preservation Act. 53 *Federal Register* 4727-46, February 17, 1988.

King, T. F. *The Archeological Survey: Methods and Uses*. Washington, DC: National Park Service, U. S. Department of the Interior, 1978.

Available from U. S. Department of Commerce as NTIS order no: PB284061 at \$19.95 for paperback and \$6.95 microfiche. To order contact U.S. Department of Commerce/ National Technical Information Service/ 5285 Port Royal Road/ Springfield, VA 22161. (\$3.00 postage charge)

Public Participation in Section 106 Review: A Guide for Agency Officials. Washington, DC: Advisory Council on Historic Preservation, 1988.

Single copies available from the Council on request.

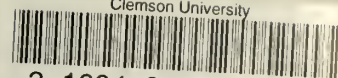
Secretary of the Interior's Standards and Guidelines for Identification. 48 CFR 44720, September 1983.

Published by the U. S. Department of the Interior as part of *Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines*. 48 CFR 44716-42, September 29, 1983.

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